

The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

January 21, 2005

**CERTIFIED MAIL**

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**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**

**No. WMD 05-03**

C/A Design, Inc.  
180 Crosby Rd.  
Dover, NH 03820

Attn: John Catizone, Jr., Vice President of Engineering

**Re: C/A Design, Inc.**  
**Dover, New Hampshire**  
**EPA ID # NHD510181977**

Dear Mr. Catizone:

On January 5, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of C/A Design, Inc. ("C/A Design") in Dover, NH. The purpose of the inspection was to determine C/A Design's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 353.04(f) – Elementary Neutralization Unit Inspection Requirements

At the time of the inspection, C/A Design had not documented inspections of the facility's elementary neutralization unit.

Env-Wm 353.04(f) requires full quantity generators who operate an elementary neutralization unit to conduct and document inspections of the unit. The inspections must include the items listed in Env-Wm 353.04(g), including but not limited to, the recording of the inspections in an inspection log.

DES requests that C/A Design develop an inspection log to record the inspections of its elementary neutralization unit and submit a copy of the inspection log to DES.

2. Env-Wm 504.02(d) and Env-Wm 504.02(b)(7)- Generator Notification

At the time of inspection, according to DES notification records, C/A Design had notified as a Full Quantity Generator (>1000 kilograms/ month). However, a review of waste disposal records indicates that C/A Design's generator status may be that of a Full Quantity Generator (100 - 1000 kilograms/ month).

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that C/A Design review its facility hazardous waste generation rates in order to determine its proper generator status; and if necessary, complete and submit a subsequent notification form that accurately reflects the change in generator status

3. Env-Wm 509.02(a)(1) – Inspection Requirements

At the time of the inspection, C/A Design had not documented inspections of the facility's hazardous waste storage area.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requests that C/A Design record in an inspection log, inspections of its hazardous waste storage area, and submit a copy of a completed inspection log to DES.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of C/A Design's personnel training records revealed that two (2) employees, Michael Costello and Robert April, who are secondary emergency coordinators, had not received hazardous waste training and/or taken part in annual reviews.

Additionally, the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requests that C/A Design conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities, including the emergency coordinators. DES also requests that C/A Design maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.

5. Env-Wm 509.02(a)(5) – Contingency Plan

A review of C/A Design's contingency plan revealed deficiencies regarding the following:

- (a) A description of the signal(s) used to begin an evacuation;
- (b) A description of primary and alternate evacuation routes;
- (c) A description of the arrangements made with local authorities;
- (d) Instructions to include in the notification to DES, the items listed in 40 CFR 265.56(d)(2)(i)-(vi);
- (e) The methods for monitoring facility equipment if there is a work stoppage;
- (f) Procedures for providing treatment, storage or disposal of hazardous waste resulting from an emergency;
- (g) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed;
- (h) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities; and
- (i) The facility contingency plan did not list specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that C/A Design revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the plan to local authorities.



6. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to document the telephone numbers of the local fire, police and emergency response team, as well as the location of fire extinguishers, spill control material and alarms.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that C/A Design post the required information at the nearest telephone to the hazardous waste storage.

7. Env-Wm 509.03(b) – Satellite Storage Training

A review of C/A Design's personnel training program revealed that Jerry Alamaeda, who is responsible for the management of a hazardous waste oil (NH01) satellite container, has not received hazardous waste training.

Env-Wm 509.03(b), which references Env-Wm 509.02(a)(2) and 40 CFR 265.16, Personnel Training, requires full quantity generators to ensure that employees responsible for the management of hazardous waste satellite containers receive hazardous waste training. The hazardous waste training interval shall be every 3-years after the date of initial training.

DES requested that C/A Design conduct and document hazardous waste training and 3-year reviews for all employees responsible for the management of hazardous waste satellite containers.

8. Env-Wm 509.03(h) – Satellite Storage Area Inspections

At the time of the inspection, C/A Design had not documented inspections of the hazardous waste oil (NH01) satellite storage container.

Env-Wm 509.03(h), requires satellite storage containers that have accumulated greater than 10 gallons of hazardous waste, to be inspected at least monthly for leaks and for deterioration caused by corrosion or other factors.

DES requests that C/A Design record at least monthly, in an inspection log, inspections of its hazardous waste satellite storage containers that have accumulated over 10 gallons of hazardous waste, and submit a copy of a completed inspection log to DES.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by C/A Design can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against C/A Design including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

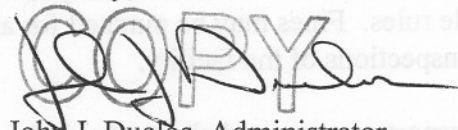
The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Bureau at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclós, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Hamel, Administrator, DES Legal Unit

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report